

AMENDMENT UNDER 35 U.S.C. § 1.111
U.S. Application No. 09/810,339
Attorney Docket No. Q62091

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 9, 14 and 15 have been amended. Claim 13 has been cancelled. Claims 1-3, 5-12 and 14-19 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Applicant acknowledges with gratitude the indication that claims 10, 14, 15 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the Amendment, therefore, claims 14 and 15 have been amended to each include all of the features of claim 13.

35 U.S.C. § 102(b) – Asao

Claims 9, 16 and 18 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Asao (JP 3 -70274) and English translation. The rejection is respectfully traversed.

Regarding claim 9, Applicant's claimed invention relates to a photographing device comprising an optical lens, a photographing unit, and a light quantity adjustment unit. The light quantity adjustment unit "is a unit for reading the image of said subject photoelectrically, said photographing device further includes a condition setting unit for setting an adjustment area of said light quantity adjustment unit corresponding to a light quantity adjustment portion of the image of said subject, based on image data of a pre-read image which was obtained by

previously reading the image of said subject under a predetermined photographing condition by using said photographing unit,” as recited in claim 9.

Turning to the cited art, Asao discloses an image pickup device providing a liquid crystal panel 3 arranged between a lens system 2 and an image pickup element 4, as shown in Fig. 1. The Examiner contends on page 3 of the Office Action that Asao’s control circuit (8) controls the LCD (3) based on pre-readout signals from CCD (4). The light crystal panel (3) includes several picture elements in which the light permeability of each is independently controlled. However, the light permeability of Asao’s light crystal panel (3) is controlled by a control signal based on the image picked-up by the CCD (4) from light emitted by the subject to be copied (1) focused by lens system (2) and formed through the light crystal panel (3). Therefore, the adjustment of the light crystal panel (3) is based on image data of the subject image itself (not a pre-read image) during image pickup. However, the condition setting unit of the claimed invention sets an adjustment area of the light quantity adjustment unit **based on image data of a pre-read image which was obtained by previously reading the image of the subject under a predetermined photographing condition by using the photographing unit**. The claimed invention bases the setting of the adjustment area on image data of a pre-read image, the pre-read image being obtained by previously reading the image of the subject under a predetermined photographing condition. Asao fails to teach or suggest these particularly claimed elements.

Therefore, at least by virtue of the aforementioned differences, the invention defined by Applicant’s claim 9 is patentable over Asao. Applicant’s claims 16 and 18 are dependent claims including all of the elements of independent claim 9, which, as established above, patentably


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distinguishes over Asao. Therefore, Asao does not anticipate claims 16 and 18 for at least the aforementioned reasons as well of for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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